

Councilman Gillis introduced a resolution revoking permit granted the Magnolia Petroleum Company on April 23, 1931, to temporarily install and maintain gasoline storage tanks on the city parkway in front of their station at the corner of South Congress Avenue and Barton Springs Road. O. W. Moore, Contractor, and a representative of the Magnolia Petroleum Company were present and urged that no action be taken on the matter until a further investigation could be made. Following the discussion, the resolution was tabled.

City Manager Johnson was authorized by the City Council to have resolution prepared appropriating the sum of \$421.00 for payment of medical bills incurred by Tom Edmiston, injured city employee.

City Manager Johnson was authorized by the City Council to purchase a new billing machine for the Tax Department from the Burroughs Adding Machine Company for the sum of \$810.00, same to be paid for out of an appropriation in the Budget for the year 1932.

City Manager Johnson was authorized by the Council to make settlement with the Austin Street Railway Company for unpaid bills owing by said Company to the City of Austin for work done by the Street and Bridge Department for the years 1929 and 1930, amounting to \$798.00, by deducting the sum of \$221.50 from said amount, this being disputed claims of said Company, and to accept payment of the balance, \$576.50, from said Company.

The City Attorney was directed by the Council to prepare an ordinance amending Section Seven (7) of the Gasoline Ordinance passed by the City Council on the 23rd day of April, 1931.

No other business coming before the Council, Councilman Steck moved to recess, subject to call of the Mayor. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilman Steck, 4; nays, none; Councilman Mueller absent, 1.

The Council then recessed.

APPROVED:

J. W. McFadden

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 28, 1931.

The Council was called to order by the Mayor. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; absent, none.

The Minutes of the last meeting were read and Councilman Steck moved the adoption of same as read. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

This being the day set for the hearing of owners of abutting property and others interested with reference to street improvements to be constructed in the certain Units or Districts of Improvement as follows:

PAVING DISTRICT NO. 147: EAST SEVENTH STREET from the east line of East Avenue to the east line of Waller Street;

PAVING DISTRICT No. 148: EAST SEVENTH STREET from the east line of Waller Street to the east line of Comal Street;

PAVING DISTRICT No. 149: EAST SEVENTH STREET from the east line of Comal Street to the east line of Chicon Street;

PAVING DISTRICT No. 118A: RED RIVER STREET from the north line of East Third Street to the south line of East Fourth Street;

PAVING DISTRICT No. 118B: RED RIVER STREET from the south line of East Fourth Street to the south line of East Fifth Street;

WEST ELEVENTH STREET from the west line of Guadalupe Street to the east line of San Antonio Street, Unit or District No. P-146;

TRAVIS HEIGHTS BOULEVARD from the south line of Riverside Drive to the south line of Lot 7, Block 21 on the west side and the south property line of Lot 26, Block 34 on the east side, Unit or District No. P-142;

the Mayor thereupon stated that all persons desiring to protest the levying of assessments against abutting property on the above mentioned street and within the limits above stated, or who desired to be heard with reference to the improvements proposed to be assessed against said property and the owners thereof, the lien and liability thereof, the special benefits to the property and the owners thereof, or any other matters or things authorized by the provisions of Article XXIV of the Charter of the City of Austin to be urged and considered at this hearing, would now be heard from, and thereupon the following persons appeared and were heard:

On East Seventh Street, District No. 147:

W. E. Fannin, Colored, stated that he was financially unable to pay for the paving;

Mrs. A. Zander, by written protest, stated that she was financially unable to pay for the paving.

On East Seventh Street, District No. 148:

Emma Payne, Colored, stated that she was financially unable to pay for the paving.

Ralph Schneider, representing Mrs. Mary K. Schneider, stated they were opposed to the paving as they were paying for \$12,000.00 worth of paving now, and considered this an added burden.

On East Seventh Street, District No. 149:

George N. Corley stated that he was in favor of the paving, but was financially unable to pay for same;

On Travis Heights Boulevard, District No. P-142:

J. E. Pledger, by written protest, stated that the enhancement in value of his property by reason of the paving would not justify the cost of same.

A. D. Calhoun asked for an adjustment in the assessment against him on account of his lot's being wedge-shaped. F. F. Konarsky stated he was financially unable to pave.

Ralph Schneider protested the high-priced paving, stating that, in his opinion, with the foundation already there a cheaper type of paving would do.

M. Holck stated that owing to the economic depression he has been without employment for almost a year; also that he was paying off a loan on his home and other expenses, and for these reasons was financially unable to pay for the paving.

No other property owners or interested persons desiring to be heard, the Mayor stated that the hearing on Travis Heights Boulevard, District No. P-142 would be continued until the next regular meeting.

The Mayor then laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS,
CLOSING A HEARING GIVEN TO PROPERTY OWNERS
ON PORTIONS OF EAST SEVENTH STREET AND
SUNDRY OTHER STREETS IN THE CITY OF AUSTIN,
AND DECLARING AN EMERGENCY.

The above ordinance was read the first time and Councilman Mueller moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes,

Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the second time and Councilman Mueller moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Mueller, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS, LEVY-
ING AN ASSESSMENT FOR THE PAYMENT OF A PART
OF THE COST OF IMPROVING PORTIONS OF EAST
SEVENTH STREET AND SUNDRY OTHER STREETS IN
THE CITY OF AUSTIN, AND FIXING A LIEN AGAINST
PROPERTY ABUTTING ON SAID STREETS, AND A
PERSONAL CHARGE AGAINST THE OWNERS THEREOF,
AND PROVIDING FOR THE COLLECTION THEREOF, AND
DECLARING AN EMERGENCY.

The above ordinance was read the first time and Councilman Mueller moved a suspension of the rule and the placing of the ordinance on its second reading. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the second time and Councilman Mueller moved a further suspension of the rule and the placing of the ordinance on its third reading. Motion was seconded by Councilman Alford and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

RESOLUTION CANCELLING HEARING TO PROPERTY
OWNERS HERETOFORE ORDERED FOR A PORTION OF
WEST ELEVENTH STREET IN THE CITY OF AUSTIN,
TEXAS, FIXING TIME AND PLACE FOR NEW HEAR-
ING TO OWNERS OF ABUTTING PROPERTY ON SAID
PORTION OF STREET AND OTHERS INTERESTED, AND
DIRECTING THE CITY CLERK TO GIVE NOTICE OF
SUCH HEARING.

WHEREAS, the City Council of the City of Austin, Texas, heretofore on March 12, 1931, provided by ordinance for the improvement of certain streets and highways by raising, grading, filling and installing concrete curbs and gutters and paving, together with incidentals and appurtenances, and a contract therefor was made and entered into with Southwest Bitulithic Company; and

WHEREAS, thereafter by resolution duly adopted on May 14th, 1931, the estimate and rolls prepared and filed by the Consulting Engineer of the City of Austin for certain portions of streets included in said contract were duly approved and adopted, and a hearing ordered and provided for to be held before the City Council of the City of Austin, Texas, to all owning, or claiming any property abutting upon said portions of streets, as well as all owning or claiming any interest in such property; and,

WHEREAS, one of said portions of streets so included was West Eleventh Street from the west line of Guadalupe Street to the east line of San Antonio Street, known and

designated as Unit or District No. P-146; and

WHEREAS, in giving the notice of such hearing, provided for in such resolution, an error was made in the statement of the total cost of the improvements on said portion of West Eleventh Street, and it is deemed advisable by the City Council that a new hearing be afforded to the owners of property abutting upon said portion of West Eleventh Street, and that due notice of such new hearing be given as provided by charter;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

I.

That the Engineer's estimate and roll heretofore filed and approved and adopted by the City Council relating to that part of West Eleventh Street extending from the west line of Guadalupe Street to the east line of San Antonio Street, known and designated as Unit or District No. P-146 be and the same are hereby ratified and again approved by the City Council.

II.

That it is hereby found and determined that the cost of such street improvements on said Unit or District No. P-146, with the amount or amounts per front foot proposed to be assessed against abutting property and the owners thereof are as follows, to-wit:

The estimated cost of the improvements is -----	\$3,344.40
The estimated amount per front foot to be assessed against abutting property and the owners thereof for curb and gutter is -----	.65
The estimated amount per front foot to be assessed against abutting property and the owners thereof for improvements exclusive of curbs and gutters is -----	4.766
Total estimated amount per front foot to be assessed against abutting property and owners thereof is -----	5.416

III.

That the hearing heretofore provided for to be given to the owners of property abutting upon said portion of street, which hearing was ordered to be held on May 28, 1931, be and the same is hereby cancelled and set aside, and that a new hearing be given and held by and before the City Council of the City of Austin, Texas, to all owning or claiming any property abutting upon said Unit or District No. P-146, as well as all owning or claiming any interest in such property. Such hearing shall be given and held on the 11th day of June, 1931, at 10:00 o'clock A. M., in the regular Council meeting room in the City Hall in the City of Austin, Texas, and the City Clerk is hereby directed to give notice of the time and place of such hearing, and of other matters and facts in accordance with the terms and provisions of Article XXIV of the Charter of the City of Austin. Such notice shall be by advertisement inserted at least three times in a newspaper published in the City of Austin, the first publication to be made at least ten (10) days before the date of said hearing, and said notice shall comply with and be in accordance with the terms and provisions of said Article XXIV of said charter.

IV.

That the notice herein provided for may be given in conjunction with a notice covering other portions of streets as to which the hearing may be ordered to be given at the same time and place.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The application of G. G. Poole for permit to build a concessions stand and archery course on the Rabb Estate across from Barton Springs, and a permit to build six tourist cabins on the Rabb Estate above the city trap, these buildings to be open until November 1, 1931, was read. Action on the matter was deferred until the next regular meeting of the Council.

Councilman Steck moved that the bid of Richard Schmidt on Street Improvement Bond Fund Contract No. 50, being for rip-rap below the Bouldin Creek Cut-off Spillway, in the amount of \$862.50, based on using the City's stone at the South Congress Avenue Bridge, be accepted, and that the City Manager be authorized to enter into contract with said Richard Schmidt for said work at the price stated. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, on the 31st day of October, 1930, Tom Edmiston, a regularly employed officer of the City Police Department, sustained serious bodily injury by being thrown from his motorcycle while engaged in the performance of his duty as such police officer; and

WHEREAS, the following bills for medical and nursing services to Tom Edmiston, all of which services are the direct result of such injury, have been presented to the City of Austin for payment:

Dr. C. B. Weller	-	Medical Service	-	\$103.00
Dr. J. W. McLaughlin	"	"	"	10.00
Dr. P. E. Suehs	"	"	"	31.00
Lucille Grosskopf		Nursing Service		114.00
Emma Bell	"	"	"	163.00
				<u>\$421.00</u>

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$421.00 be and it is hereby appropriated from the unincumbered revenues of the City's General Fund, and that the City Manager be authorized and directed to pay therefrom the claims for services as above stated.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, it appears that there are certain delinquent taxes due the City of Austin on property purchased by the County and State; and

WHEREAS, it also appears that there are certain delinquent taxes due the County of Travis and State of Texas on property purchased by the City of Austin; and

WHEREAS, it is mutually agreed between the City and County that such delinquent taxes should be stricken from the tax rolls of the City, County and State;

Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That, in consideration of the above agreement, all delinquent taxes now due or to become due on property owned by the County of Travis and State of Texas be stricken from the tax rolls of the City of Austin, and the Tax Assessor and Collector of the City of Austin is hereby directed to make such change on the tax rolls of the City.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

A communication from G. S. Moore, Building Inspector, relative to request of Board of Adjustment that City Clerk be instructed to copy all proceedings of the Council with reference to zoning matters into the Minute Book of said Board, was read. The Mayor then laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Clerk is instructed to transcribe in the Minute Book of the Zoning Board of Adjustment all matters relative to action taken by the City Council on the City Zoning Ordinance and appearing in the Minutes of the City Council; and

THAT the City Clerk is further instructed to transcribe the Zoning Ordinance complete in the said Minute Book of the Zoning Board of Adjustment and officially attest same.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, there is a controversy existing between the City of Austin and Alex Joseph as to the ownership of the following described strip of land, said Joseph claiming same in fee simple as part of his property, to-wit: Lots #12 and #11 in Original Block #6, and the City claiming same as a part of the area of Brazos Street; and

WHEREAS, the City has recently caused said Brazos Street to be paved and the curb established at the east line of said strip of land and it has therefore become necessary that said strip of land be used as sidewalk purposes; and

WHEREAS, said Joseph claims that he has been damaged by the appropriation of said strip of land for sidewalk purposes by causing the removal therefrom of certain equipment and by denying to him the use in general of same, which damages he claims to be something over Three Thousand (\$3,000.00) Dollars; and

WHEREAS, it has been represented by the City Attorney that it will be difficult to establish the city's ownership of said strip of land as part of said street; and is therefore deemed expedient by the City Council that said controversy be compromised to the effect of definitely acquiring said strip of land for such purposes; and it has been agreed between said parties that said controversy can be settled upon the payment by the City to said Joseph of the sum of Eleven Hundred and Twenty-five (\$1125.00) Dollars, therefore;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the sum of Eleven Hundred and Twenty-five (\$1125.00) Dollars be and the same is hereby appropriated out of the Street Improvement Bond Fund for the purpose of settling said controversy and definitely acquiring said strip of land as part of said Street; and that a warrant issue therefor, payable to said Alex Joseph, and be delivered to him upon the execution and delivery by him to the City of his Quitclaim Deed to said strip of land, to-wit:

A parcel of land lying between the east line of Lots 12 and 11, Block 6, and the center line of Brazos Street north of and adjacent to the north line of East 1st Street within the Original City of Austin, Travis County, Texas, beginning at a point which beginning corner is 40 feet N. 71 degrees W. of the established center line of Brazos Street and 40 feet N. 19 degrees E. of the established center line of East 1st Street, and from which beginning corner a concrete monument which is upon the center line of Brazos Street and which is 10 feet S. 19 degrees W. from center line of East 1st Street, bears S. 71 degrees E. 40 feet and S. 19 degrees W. 50 feet; thence forty

feet distant from and parallel to the established center line of Brazos Street along the east face of an existing building N. 19 degrees E. 92 feet to the south line of property enclosed by G. Flury; thence S. 71 degrees E. 10 feet; thence S. 19 degrees W. 92 feet to the north line of East 1st Street; thence with the north line of East 1st Street N. 71 degrees W. 10 feet to the point of beginning; and

Upon the further condition that said Joseph acquit and release the City of Austin from any and all damages claimed to have been accrued to him by virtue of the appropriation and occupation of said strip of land by the City.

The above resolution was adopted by the following vote: Ayes, Councilmen Alferd, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

A letter from Geo. S. Dowell, property owner on East Second Street, agreeing to change in width on said street from 56 feet to 50 feet, was read and filed.

The Mayor laid before the Council application of Consumers Home Ice Company for permission to set curb in ten feet on Red River Street between Third and Fourth Streets; also the following report of the City Engineer upon same:

"Austin, Texas, May 27, 1931.

Mr. Adam R. Johnson,
City Manager,
Austin, Texas.

Dear Sir:

Pursuant to your request I have investigated the accompanying application of Consumers Home Ice Co., now owned by the Texas Public Service Company, for a permit to have the curb in front of the property which they have leased from H & T O Railroad Company on Red River Street lying between Third and Fourth Streets, set back 10 feet. This proposed change means that the pavement at this point would be 30 feet east of the center line and leave a sidewalk area of 10 feet. They further desire to construct a raised platform on the sidewalk area and also construct same so that the public can use it for sidewalk purposes, and agree that all of the additional pavement cost and the construction of the platform will be paid by the Texas Public Service Company.

The area is shown on the Zoning map as being in the Industrial Use District.

I recommend that the request be granted as it will provide more room for the public to pass while the ice customers are being served and as alternate arrangements would require the crossing of the sidewalk area in two places by the public. Said permission, if granted, should be subject to the following conditions:

(1) That a plan shall be prepared by the Consumers Home Ice Company which can be approved by the City Engineer and Building Inspector showing the proposed type of platform construction.

(2) All construction shall be in accord with the Building Code of the City of Austin.

Yours very truly,

(Sgd) Orin E. Metcalfe, City Engineer."

The Mayor then laid before the Council the following resolution:

WHEREAS, the Consumers Home Ice Company, a branch of the Texas Public Service Company, has requested the City Council to grant a permit to set their curb back opposite their leased property which is owned by the H & T O Railroad Company, and which lies upon the east side of Red River Street between Third and Fourth Streets; and

WHEREAS, the Consumers Home Ice Company also requested that they be granted a permit to construct a raised platform on the sidewalk area; and

WHEREAS, the City Council has considered said requests,

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Texas Public Service Company is hereby granted permission to construct their curb 30 feet east of and parallel to the center line of Red River Street on the

north half of the block lying between Third and Fourth Streets; and

BE IT FURTHER RESOLVED:

That the Texas Public Service Company is hereby granted a permit to construct a wooden platform over the sidewalk area subject to the following conditions:

- (1) That all expenses of said construction shall be borne by the Texas Public Service Company.
- (2) First present a plan showing the proposed type of construction of the platform, said plan to be approved by the City Building Inspector and the City Engineer before construction of the platform is started.
- (3) All work shall be constructed in accordance with lines and grades to be furnished by the City Engineering Department.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the application of Mrs. C. B. Brady to erect a gasoline filling station at 1201 and 1203 East Sixth Street; also the following:

"Austin, Texas, May 27, 1931.

Mr. Adam R. Johnson,
City Manager,
Austin, Texas.

Dear Sir:

We have considered the application of Mrs. C. B. Brady, owner of the property situated at the southeast corner of Sixth and Waller Streets, known as 1201 and 1203 East Sixth Street, and hereby advise that the following conditions exist:

- (1) That she proposes to construct her filling station on property which is shown on the Zoning map as being located within the "C" Commercial Use District. A storm sewer exists within the City street within less than a block of the property upon which Mrs. Brady proposes to construct her filling station, into which waste water can be entered.
- (2) Mrs. Brady has been advised of the provisions of the Building, Zoning and Filling Station Ordinances, and she proposes to construct her filling station in accord with all of said Ordinances.

We recommend that Mrs. Brady be granted a permit to construct and operate said filling station, subject to the following conditions:

- (1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts, or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector. That Mrs. Brady shall confer to the City Engineering Department as to the future grades of the sidewalk and gutter on Waller Street before she starts any construction relating to the filling station.
- (2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, Zoning Ordinance, Filling Station Ordinance and in accord with the Ordinance prohibiting the disposal of commercial water or oil upon the City streets.
- (3) That the grades of the station shall be such that no waste oils or water or any floor washing shall ever pass over the city sidewalk area, and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-M-48, and shall be conducted by a pipe connection from said sand trap to the nearest city storm sewer at the expense of the applicant. Before commencement of any construction the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any city street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.
- (4) That pumps shall be located as shown on the plan hereto attached marked 2-C-403.
- (5) That the location of all ramps and sidewalk area crossings shall be in accord with plan 2-c-403, which plan is hereby made a part of this resolution.
- (6) That all adjacent sidewalks, curbs, ramps and gutters adjacent to that property to be developed as a filling station shall be constructed of concrete as shown on plan 2-C-403.
- (7) That before use of said station the owner shall apply to the Building Inspector for final inspection when she considers that she has complied with all the requirements of the City.

(Sgd) G. S. Moore, Building Inspector,
Orin E. Metcalfe, City Engineer. "

The Mayor then laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Council of the City of Austin hereby approves the southeast corner of Waller and Sixth Streets, known as 1201 to 1203 East Sixth Street, as a filling station site, and hereby authorizes Mrs. C. B. Brady to construct and operate a filling station subject to same's being constructed subject to all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans, and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all of the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if after hearing it is found by the City Council that Mrs. C. B. Brady has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

A representative of the Missouri, Kansas & Texas Railway Company presented a request that said Company be permitted to block San Jacinto Street from eight o'clock A. M. until midnight of June 12th for the purpose of exhibiting their air-cooled diners, and submitted a written agreement by the business firms in the vicinity agreeing to said obstruction. Mayor McFadden moved that the request of the Missouri, Kansas & Texas Railway Company be granted. Motion was seconded by Councilman Gillis, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST THIRTY-FOURTH STREET from Duval Street to Red River Street, the center line of which gas main shall be 17 feet north of and parallel to the center line of said East Thirty-fourth Street. Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The

Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT wherever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of back filling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said Company by the City of Austin.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That heretofore, Hugo F. Kuehne, V. H. Pannell, Louis Blendermann, J. T. Ward, and W. A. Harper were elected by the City Council as members of , and composing, the Board of Adjustment; and

WHEREAS, upon such election, the Council failed to specify the respective terms of office of said members, as required by the terms of the Zoning Ordinance;

Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Hugo F. Kuehne and J. T. Ward be elected as members of said Board of Adjustment for the term ending January 1, 1932; and that V. H. Pannell, Louis Blendermann, and W. A. Harper be elected as members of said Board of Adjustment for the term ending January 1, 1933.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

A communication from E. B. Crowder, asking for an adjustment of the taxes on his home in Enfield, was read and the matter was referred to Councilman Gillis for an investigation and report to the Council.

R. P. Toomey appeared before the Council and asked for a reconsideration of his appeal for reduction in taxes for the year 1930 on the improvements on 4.08 acres of land in the Isaac Decker League which burned January 8th of said year. He was advised by the Council that such request could not be legally granted and that the matter was closed.

A resolution of thanks by the House of Representatives for courtesies extended said Body by the City of Austin and its citizens during the session of the Legislature just closed, was read and ordered filed.

A committee of citizens from Enfield and Westfield appeared before the Council and presented a petition asking that the streets in said additions be put in a passable condition. Councilman Steck moved that the matter be referred to the City Manager to work out, in cooperation with said citizens, some relief. Motion was seconded by Councilman Alford, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Roll or Statement of the Consulting Engineer, H. R. F. Helland, showing the estimated cost of improvements on Colorado Street from the south property line of Four-

teenth Street to the south property line of Nineteenth Street, known and designated as Unit or District No. P-124, was read and ordered filed.

The Mayor then laid before the Council the following resolution:

RESOLUTION APPROVING AND ADOPTING ESTIMATES OF THE COST OF IMPROVEMENTS AND OF AMOUNTS TO BE ASSESSED FOR IMPROVEMENTS ON A PORTION OF COLORADO STREET AND PORTIONS OF SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, FIXING TIME AND PLACE FOR HEARING TO THE OWNERS OF ABUTTING PROPERTY AND DIRECTING THE CITY MANAGER TO GIVE NOTICE.

WHEREAS, the City Council of the City of Austin has heretofore ordered that the hereinbelow mentioned portions of highways be improved by raising, grading and filling, and installing concrete curbs and gutters, and by paving with 2 inch Warrenite Bitulithic Wearing Surface on a 5 inch concrete base, with necessary appurtenances, and contract therefor has been made and entered into with Southwest Bitulithic Company; and

WHEREAS, the City Council has caused the City Engineer to prepare and file estimates of the cost of such improvements, and estimate of the amounts per front foot proposed to be assessed against abutting property and the owners thereof, and such estimates have been examined;

Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

I.

That such estimates be and they are adopted and approved.

II.

That it is hereby found and determined that the cost of improvements on each such portion of highway, with the amount or amounts per front foot proposed to be assessed for such improvements against the abutting property and owners thereof, on each such portion of street or highway are as follows, to-wit:

COLORADO STREET from the south property line of Fourteenth Street to the south property line of Nineteenth Street, known and designated as Unit or District No. P-124. Estimated cost of improvements is \$16,990.53. Estimated amount per front foot to be assessed for curb and gutter is \$0.65. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$4.010. Total estimated amount per front foot to be assessed against abutting property and its owners is \$4.660.

III.

That a hearing be given and held by and before the City Council of the City of Austin, Texas, to all owning and claiming any property abutting upon any of said portions of streets and highways, as well as all owning and claiming any interest in any such property. Such hearing shall be given and held on the 11th day of June, A.D. 1931, at 10:00 o'clock A. M., in the regular Council meeting room in the City Hall in the City of Austin, Texas, and the City Manager is hereby directed to give notice of the time and place of such hearing, and of other matters and facts, in accordance with the terms and provisions of Article XXIV of the Charter of the City of Austin, which Article was added by amendment adopted at an election held on November 24th, 1928, Such notice shall be by advertisement inserted at least three times in a newspaper published in the City of Austin, Texas, the first publication to be made at least ten days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Article XXIV.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.